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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,267	08/21/2001	Francis Kalush	CL000258CI4	5274
25748	7590	09/12/2005	EXAMINER	
CELERA GENOMICS ATTN: WAYNE MONTGOMERY, VICE PRES, INTEL PROPERTY 45 WEST GUDE DRIVE C2-4#20 ROCKVILLE, MD 20850			STANDLEY, STEVEN H	
			ART UNIT	PAPER NUMBER
			1649	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/933,267

Applicant(s)

KALUSH ET AL.

Examiner

Steven H. Standley

Art Unit

1649

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18, 19, 24-26, 28-29, 32-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Allowability in this application is withdrawn, and prosecution is reopened.

#### ***Sequence Compliance***

2. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and /or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 because 37 CFR 1.821 (a)(2)(c-d) states that each sequence disclosed must appear separately in the sequence listing and in the text of the description and claims whenever described. There are numerous sequence disclosures in both the specification, and particularly in the drawings, where applicant has failed to a) provide a SEQ ID NO: for the sequence, or b) failed to properly indicate what part of SEQ ID NO: 1 the primer, snp, oligo, etc.

It is suggested that in each case, applicant amend the figures and tables in the text to indicate precisely where in SEQ ID NO: 1 the sequence is, amend by eliminating the figure/table, or amend each sequence longer than 10 base pairs to have an appropriate SEQ ID NO.

In Figure 2a, sheets 1-4 of the drawings the column reading "reference sequence & SNP position number." It should be a reference to the position in SEQ ID NO:1. Numbers in this column should refer to a position in SEQ ID NO: 1 of the oligonucleotide sequence of the SNP shown in the column next to it on the right.

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Figure 2b, sheets 1-3 (i.e., all of 2b, as above for all of 2a) should be amended as described for 2a.

Figure 2c, should be amended as described for 2a and 2b.

Figure 2d contains primer oligonucleotides. The column indicating 'primer position' should clearly indicate what span of nucleotides in SEQ ID NO: 1 each primer represents (for example, nucleotide numbers 33244-33256 of SEQ ID NO: 1). If the primer is a reverse sequence of a length of nucleotide in SEQ ID NO: 1, it should be given a new SEQ ID NO, or omitted.

Figure 2e, the same as figure 2d above.

Figure 4a shows numerous sample sequences with no reference to SEQ ID NO: 1, and no SEQ ID NO. It is suggested that, because these samples have undefined nucleotides in them (Ns), that they be given a SEQ ID NO, or omitted.

In table III of the specification (page 60). Please amend to clearly indicate where in SEQ ID NO: 1 each oligonucleotide shown is located.

In table IV please do the same as in table III.

Note that failure to respond to both the requirements for sequence compliance and the rejections below will be held as nonresponsive, and may result in abandonment of this application.

3. This application is in condition for allowance except for the following formal matters: The above detailed objections to the specification and drawings for failing to meet sequence compliance rules.

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Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Standley whose telephone number is **(571) 272-3432**. The examiner can normally be reached on Monday through Friday, 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on **(571) 272-0867**.

The fax number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Steve Standley, Ph.D.

8/16/05



**LORRAINE SPECTOR  
PRIMARY EXAMINER**